

Before the State of South Carolina
Department of Insurance

In the matter of:

Jason L. Sanders
4600 Fort Jackson Boulevard
Columbia, South Carolina 29209

SCDOI File Number 2002-112151

Default Order
Revoking Resident Insurance Agent and
Surety Bail Bondsman's Licenses

This matter comes before me pursuant to a Letter of Allegation and Notice of Opportunity for Public Hearing served, as required within S.C. Code Ann. § 38-3-170 (2002), by the South Carolina Department of Insurance upon Jason L. Sanders, a licensed resident surety insurance agent (surety bail bondsman), both by certified mail, return receipt requested, and by regular mail on July 9, 2002.

That letter informed Mr. Sanders of his right to request a public hearing upon the allegations of impropriety contained within the letter against him. That letter further warned that failure to make a timely, written request would result in my summary revocation of his licenses to do business within the State of South Carolina. Despite that warning, as of September 11, 2002, Mr. Sanders had not timely answered or requested a public hearing. On that day, therefore, counsel for the Department filed an Affidavit of Default, and the entire matter was submitted directly to me for my summary decision based solely on the record.

The letter alleged, and I now find as fact, that while licensed to transact business as a surety bail bondsman in Georgetown County, South Carolina, Jason Sanders visited the business establishment of the complainant, Mr. J. Lanham, looking for one of Mr. Lanham's employees, Jennifer Logan. Ms. Logan was a client of Mr. Sanders, and he was attempting to collect money from her. Mr. Lanham asked Mr. Sanders to leave the premises, whereupon Mr. Sanders became belligerent, used profanity towards Mr. Lanham and his employees, and threatened them with physical harm. The Department's investigation also discovered that Mr. Sanders had changed his residential address without informing the Department. Section 38-43-107 of the South Carolina Code requires insurance agents to notify the Department of Insurance within 30 days of any change in address. Moreover, the Department discovered that, in financing Ms. Logan's bond, Mr. Sanders did not use a promissory note or any other document stating terms and conditions of the loan. This conduct, as alleged, is a direct violation of §§ 38-43-400, *et seq.* of the South Carolina Code.

In accordance with my findings of fact, and considering Mr. Sanders' failure to avail himself of his opportunity to be heard, I now conclude, as a matter of law, that Jason Sanders' conduct is such that his surety bail bondsman's license should be revoked as allowed by S.C. Code Ann. § 38-53-150 (A)(8) (2002), which provides:

The director or his designee may deny, suspend, revoke, or refuse to renew any license issued under this chapter for any of the following causes:...(8) when in the judgment of the director or his designee the

licensee has in the conduct of his affairs under the license demonstrated incompetency or untrustworthiness, that he is no longer in good faith carrying on the bail bond business..."

This administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2001). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110(4) (2002) of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is therefore ordered that Jason Sanders' license to transact business as a surety bail bondsman within the State of South Carolina be, and is hereby, revoked, and that no license issued through the State of South Carolina Department of Insurance is to be issued to him.

It is further ordered that a copy of this Order be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and a copy of this order placed in Jason L. Sanders' s licensing file.

This order takes effect upon the date of my signature below.

A handwritten signature in dark ink, appearing to read "E. N. Csiszar", with a long horizontal flourish extending to the right.

Ernst N. Csiszar
Director

11 September 2002, at
Columbia, South Carolina